IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2775 OF 2005

Rashmikant M.Shah ..Petitioner

Vs.

The State of Maharashtra and Anr. ..Respondents

Ms.Usha Rahi i/b M/s.Mayur Narendra & Co. for the petitioner

Mrs.U.V.Kejriwal, A.P.P. for the state

CORAM : J.N.PATEL &
SMT.ROSHAN S.DALVI, JJ.

DATED : 4TH SEPTEMBER, 2006

P.C.:

1. Heard.

2. The petitioner does not want to prosecute the petition even otherwise. As per our direction to the learned A.P.P. on 28.8.06, the learned A.P.P. has sought instructions and informs this court that pursuant to the complaint lodged by the petitioner, police has filed charge sheet on 19.12.05 before the court of 45th Metropolitan Magistrate, Kurla which is registered as 1369/PW/05. It appears that the petitioner has not

been diligently following the petition and it was merely pending. Petitioner ought to have withdrawn the petition as soon as the charge sheet in the matter came to be filed.

3. Today the learned counsel for the petitioner submits that the petitioner may be permitted to withdraw the petition. We permit the petitioner to withdraw the petition with a caution that in future if the petitioner is not diligent, this court may impose compensatory cost in case of such petitioner and their advocates. Petition is permitted to be withdrawn with cost which is quantified at Rs.1000. The cost to be credited in the account of Maharashtra Legal Aid Services Authority within a period of 4 weeks. On failure of the petitioner and their advocates to deposit cost as directed by this court, cost may be recovered as fine by the Collector by resorting to the provisions of Maharashtra Land Revenue Code.

(SHRI J.N. PATEL, J)

(SMT.ROSHAN DALVI, J)